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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,367	07/27/2001	Scott T. Trosper	MI40-333	8104

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EXAMINER
PHAM, TOAN NGOC

ART UNIT	PAPER NUMBER
2632	8

DATE MAILED: 06/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/915,367	Trosper
Examiner	**Art Unit**
Toan Pham	2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jul 27, 2001* .

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-61* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-61* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). *, 4, 6,*
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 21-24, 36-50, 60 and 61 are rejected under 35 U.S.C. 102(e) as being anticipated by Elberty et al. (US 6,084,512).

Regarding claim 21: Elberty et al. discloses an identification system comprising an interrogator (100) configured to output a wireless signal (118, 120) to identify at least one of a plurality of radio frequency identification devices (500); plural radio frequency identification devices (500) individually configured to receive the wireless signal (118, 120) and to selectively

emit a human perceptible signal (518) to indicate presence; and wherein only the at least one radio frequency identification device identified by the wireless signal is configured to output the human perceptible signal responsive to receiving the wireless signal (col. 4, lines 5-25, 48-67; col. 5, lines 1-8; col. 10, lines 24-48).

Regarding claim 22: Elberty et al. discloses the radio frequency identification devices (500) individually include a light emitting device (518) configured to emit a human visible signal to indicate presence (col. 10, lines 45-48).

Regarding claim 23: Elberty et al. discloses the wireless signal (120) includes an identifier and the at least one radio frequency identification device is configured to indicate presence responsive to the identifier (col. 5, lines 23-30; col. 10, lines 45-48).

Regarding claim 24: Elberty et al. discloses the radio frequency identification devices are individually configured to output wireless signals (col. 4, lines 21-25; col. 5, lines 23-49; col. 10, lines 45-48).

Regarding claim 36: Elberty et al. discloses a communication method comprising providing a remote communication device (500); receiving a wireless signal (118, 120) including an identifier and data within the remote communication device; processing the identifier; selectively outputting the data to indication circuitry of the remote communication device after the processing; and emitting a human perceptible signal using the indication circuitry after outputting the data (col. 4, lines 5-25, 48-67; col. 5, lines 1-8; col. 10, lines 24-48).

Regarding claim 37: Elberty et al. discloses the emitting includes emitting a human visible signal (col. 10, lines 45-48).

Regarding claim 38: Elberty et al. discloses processing a command and the emitting is responsive to the processing the command (col. 10, lines 24-48).

Regarding claim 39: Elberty et al. discloses providing a radio frequency identification device (col. 4, lines 4-27; Figs. 1, 5).

Regarding claim 40: Elberty et al. discloses a plurality of remote communication devices (500) individually including indication circuitry (Fig. 5); associating the remote communication devices with respective plural objects; outputting a wireless signal to identify at least one object; receiving the wireless signal within the remote communication devices; and indicating presence of the at least one selected object using the indication circuitry of the remote communication device associated with the at least one selected object; and outputting another wireless signal responsive to the receiving using the remote communication device associated with the at least one selected object (col. 4, lines 5-25, 48-67; col. 5, lines 1-49; col. 10, lines 45-48).

Regarding claim 41: Elberty et al. discloses the indicating includes emitting a human perceptible signal (col. 10, lines 45-48; Fig. 5).

Regarding claim 42: Elberty et al. discloses the indicating includes emitting a human visible signal (col. 10, lines 45-48; Fig. 5).

Regarding claim 43: Elberty et al. discloses the wireless signal includes an identifier and the indicating is responsive to the identifier (col. 10, lines 25-48).

Regarding claim 44: Elberty et al. discloses the wireless signal and the indicating is responsive to the processing (col. 10, lines 1-48).

Regarding claim 45: Elberty et al. disclose providing a plurality of radio frequency identification devices (500) (col. 4, lines 5-20).

Regarding claim 46: Elberty et al. discloses an identification method comprising providing a plurality of radio frequency identification devices (500) individually including indication circuitry (Fig. 5); outputting a wireless signal to identify at least one of the radio frequency identification devices; receiving the wireless signal within the radio frequency identification devices; emitting a human perceptible signal after the receiving using the indication circuitry of the at least one identified radio frequency identification device (col. 4, lines 5-25, 48-67; col. 5, lines 1-8; col. 10, lines 24-48).

Regarding claim 47: Elberty et al. discloses the emitting includes emitting a human visible signal (col. 10, lines 45-48; Fig. 5).

Regarding claim 48: Elberty et al. discloses the wireless signal includes data and the emitting is responsive to the data (col. 10, lines 24-48).

Regarding claim 49: Elberty et al. discloses the outputting the wireless signal includes outputting an identifier (col. 4, lines 21-25; col. 5, lines 23-49; Fig. 5).

Regarding claim 50: Elberty et al. discloses processing the wireless signal and the emitting is responsive to the processing (col. 10, lines 1-48).

Regarding claim 60: Elberty et al. discloses the outputting another wireless signal comprises backscatter modulating a continuous wave signal (col. 4, lines 21-25; col. 5, lines 38-58).

Regarding claim 61: Elberty et al. disclose processing the wireless signal comprising executing a plurality of executable instructions, and wherein the indicating is responsive to the processing (col. 9, lines 41-67; col. 10, lines 1-48).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5-15 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elberty et al. (US 6,084,512).

Regarding claim 5: Elberty et al. discloses a remote communication device comprising a tag (500); thus, a tag obviously includes a housing to enclosed the electronic circuitry; communication circuitry supported by the housing (Fig. 5) and including a processor (516) which receives the data for processing, the communication circuitry being configured to receive a wireless signal including an identifier and data, to process the identifier, and to send the data to

the microprocessor responsive to the processing of the identifier; and indication circuitry (Fig. 5) coupled with the processor (516) and configured to receive the data and to indicate presence of the remote communication device responsive to the data (col. 9, lines 41-67; col. 10, lines 1-48). Elberty et al. does not expressly disclose the data port for receiving the data; however, Elberty et al. discloses the microprocessor (516) which includes an input for receiving data and processing the received data for comparison; and to determined the requested identifier (col. 10, lines 24-48). Thus, it is merely obvious that the microprocessor includes a port or input for receiving and processing the data.

Regarding claim 6: Elberty et al. discloses the indication circuitry is configured to emit a human perceptible signal to indicate the presence (col. 10, lines 45-48; Fig. 5).

Regarding claim 7: Elberty et al. discloses the indication circuitry includes a light emitting device (518) configured to emit a human visible signal to indicate the presence (col. 10, lines 45-48).

Regarding claim 8: Elberty et al. discloses the communication circuitry is configured to output a wireless signal (122) (col. 4. lines 21-25; col. 5, lines 23-49; Fig. 5).

Regarding claim 9: Elberty et al. discloses the wireless signal includes a command and the communication circuitry sends the data to the microprocessor responsive to the command (col. 4, lines 21-67; col. 5, lines 1-49).

Regarding claim 10: Elberty et al. discloses the communication circuitry comprises radio frequency identification device circuitry (col. 5, lines 23-37; Fig. 5).

Regarding claim 11: Elberty et al. discloses a remote communication device comprising a tag (500); thus, a tag obviously includes a housing to enclosed the electronic circuitry; communication circuitry supported by the housing (Fig. 5) and including a processor (516) which receives the data for processing, the communication circuitry being configured to receive a wireless signal including an identifier and data, to process the identifier, and to send the data to the microprocessor responsive to the processing of the identifier; and indication circuitry (Fig. 5) coupled with the processor (516) and configured to receive the data and to indicate presence of the remote communication device responsive to the data (col. 9, lines 41-67; col. 10, lines 1-48). Elberty et al. does not expressly disclose the data port for receiving the data; however, Elberty et al. discloses the microprocessor (516) which includes an input for receiving data and processing the received data for comparison; and to determined the requested identifier (col. 10, lines 24-48). Thus, it is merely obvious that the microprocessor includes a port or input for receiving and processing the data; and indication circuitry including a processor configured to receive the data; and an indicator (518) coupled with the processor and configured to output a signal to indicate presence of the remote communication device responsive to the data received within the latch. Thus, the processor (516) acts as a latch for controlling the processed signal to switch or turn on the indicator (518).

Regarding claim 12: Elberty et al. discloses the indicator (518) is configured to emit a human perceptible signal to indicate the presence (col. 10, lines 45-48; Fig. 5).

Regarding claim 13: Elberty et al. discloses the indicator includes a light emitting device (518) configured to emit a human visible signal to indicate the presence (col. 10, lines 45-48).

Regarding claim 14: Elberty et al. discloses the wireless signal includes a command and the communication circuitry sends the data to the microprocessor responsive to the command (col. 4, lines 21-67; col. 5, lines 1-49).

Regarding claim 15: Elberty et al. discloses the communication circuitry comprises radio frequency identification device circuitry (col. 5, lines 23-37; Fig. 5).

Regarding claim 25: Elberty et al. discloses an identification system comprising an interrogator (100) configured to output a wireless signal including an identifier and data (118, 120); and a plurality of remote communication devices (500) configured to communicate with the interrogator (100) and communication circuitry supported by the housing (Fig. 5) and including a processor (516) which receives the data for processing, the communication circuitry being configured to receive a wireless signal including an identifier and data, to process the identifier, and to send the data to the microprocessor responsive to the processing of the identifier; and indication circuitry (Fig. 5) coupled with the processor (516) and configured to receive the data and to indicate presence of the remote communication device responsive to the data (col. 9, lines 41-67; col. 10, lines 1-48). Elberty et al. does not expressly disclose the data port for receiving the data; however, Elberty et al. discloses the microprocessor (516) which includes an input for receiving data and processing the received data for comparison; and to determined the requested identifier (col. 10, lines 24-48). Thus, it is merely obvious that the microprocessor includes a port

or input for receiving and processing the data and indication circuitry coupled with the communication circuitry and configured to receive the data and to indicate presence of the respective remote communication device responsive to the data (col. 4, lines 5-25, 48-67; col. 5, lines 1-8).

Regarding claim 26: Elberty et al. discloses the indication circuitry is configured to emit a human perceptible signal to indicate the presence (col. 10, lines 45-48; Fig. 5).

Regarding claim 27: Elberty et al. discloses the indication circuitry includes a light emitting device (518) configured to emit a human visible signal to indicate the presence (col. 10, lines 45-48; Fig. 5).

Regarding claim 28: Elberty et al. discloses the wireless signal includes a command and the communication circuitry sends the data to the microprocessor responsive to the command (col. 4, lines 21-67; col. 5, lines 1-49).

Regarding claim 29: Elberty et al. discloses the communication circuitry comprises radio frequency identification device circuitry (col. 5, lines 23-37; Fig. 5).

5. Claims 1-4, 16-20, 30-35, and 51-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elberty et al. (US 6,084,512) in view of Hahn et al. (US 6,198,392).

Regarding claim 1: Elberty et al. discloses a radio frequency identification device comprising communication circuitry configured to receive a wireless signal (118, 120) including an identifier, to process the identifier of the wireless signal and to output a control signal

responsive to the processing of the identifier; and indication circuitry coupled with the communication circuitry and configured to receive the control signal and to indicate presence at the radio frequency identification device responsive to the control signal (col. 4, lines 21-24; col. 5, lines 23-49; Fig. 1, 5). Elberty et al. does not expressly disclose a radio frequency identification comprising a substrate; however, it is well known in the art of radio frequency identification tag that the RFID tag includes a substrate for which the electronic circuitry is attached. Hahn et al. discloses an RFID device including a substrate which the integrated circuit (12) is attached (col. 6, lines 27-35). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilized a substrate as taught by Hahn et al. in a system as disclosed by Elberty et al. for supporting the integrated circuitry of the RFID device.

Regarding claim 2: Elberty et al. discloses the indication circuitry includes a light emitting device (518) configured to emit a human visible signal to indicate the presence (col. 10, lines 45-48).

Regarding claim 3: Elberty et al. discloses the wireless signal includes data and the communication circuitry is configured to output the control signal comprising the data (col. 10, lines 24-48).

Regarding claim 4: Elberty et al. discloses the communication circuitry is configured to output a wireless signal (col. 4, lines 21-25; col. 5, lines 23-49; Fig. 5).

Regarding claim 16: Elberty et al. discloses a radio frequency identification device comprising a communication circuitry configured to receive a wireless signal including an

identifier, to process the identifier of the wireless signal and to output a control signal responsive to the processing of the identifier; and indication circuitry coupled with the communication circuitry and configured to receive the control signal and to output a human perceptible signal to indicate presence of the radio frequency identification device responsive to the control signal (col. 4, lines 21-24; col. 5, lines 23-49; Fig. 1, 5). Elberty et al. does not expressly disclose an integrated circuit; however, it is well known in the art that an integrated circuit is used in all application of radio frequency identification device; thus, Hahn et al. discloses a radio frequency identification device includes an integrated circuit (col. 6, lines 27-35). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilized an integrated circuit as taught by Hahn et al in a system as disclosed by Elberty et al. for providing a smaller and compact radio frequency identification device.

Regarding claim 17: Elberty et al discloses the indication circuitry includes a light emitting device (518) configured to emit a human visible signal to indicate the presence (col. 10, lines 45-48; Fig. 5).

Regarding claim 18: Elberty et al. discloses the wireless signal includes data and the communication circuitry is configured to output the control signal comprising the data (col. 10, lines 24-48).

Regarding claim 19: Elberty et al. the communication circuitry is configured to output a wireless signal (122) (col. 4, lines 21-25; col. 5, lines 23-49; Fig. 5).

Regarding claim 20: Elberty et al. discloses a battery coupled with the communication circuitry and the indication circuitry (Fig. 5, col. 11, lines 1-6).

Regarding claim 30: Elberty et al. discloses an identification system comprising an interrogator (100) configured to output plural forward link radio frequency signals (118) individually including a command, data, and an identifier to identify at least one of a plurality of radio frequency identification devices (500); a plurality of radio frequency identification devices (500) configured to communicate with the interrogator (100). Elberty et al. does not expressly disclose a radio frequency identification comprising a substrate; however, it is well known in the art of radio frequency identification tag that the RFID tag includes a substrate for which the electronic circuitry is attached. Hahn et al. discloses an RFID device including a substrate which the integrated circuit (12) is attached (col. 6, lines 27-35). A communication circuitry supported by the housing (Fig. 5) and including a processor (516) which receives the data for processing, the communication circuitry being configured to receive a wireless signal including an identifier and data, to process the identifier, and to send the data to the microprocessor responsive to the processing of the identifier; and indication circuitry (Fig. 5) coupled with the processor (516) and configured to receive the data and to indicate presence of the remote communication device responsive to the data (col. 9, lines 41-67; col. 10, lines 1-48). Elberty et al. does not expressly disclose the data port for receiving the data; however, Elberty et al. discloses the microprocessor (516) which includes an input for receiving data and processing the received data for comparison; and to determined the requested identifier (col. 10, lines 24-48). Thus, it is merely obvious that

the microprocessor includes a port or input for receiving and processing the data. Elberty et al. also discloses an indication circuitry coupled with the microprocessor and configured to receive the data and to output a human visible signal to indicate presence of the radio frequency identification device responsive to the data; and a battery coupled with the communication circuitry and the indication circuitry (Fig. 5, col. 11, lines 1-6); and wherein only the at least one radio frequency identification device which is identified by the identifier of the wireless signal emits the human visible signal to indicate presence.

Regarding claim 31: See the claim 1 above.

Regarding claim 32: Elberty et al.discloses outputting the wireless signal (118, 120) using an interrogator (100) (Figs. 1, 5).

Regarding claim 33: Elberty et al. discloses the indicating includes emitting a human perceptible signal (col. 10, lines 45-48).

Regarding claim 34: Elberty et al. discloses the indicating includes emitting a human visible signal (col. 10, lines 45-48).

Regarding claim 35: Elberty et al. discloses the wireless signal includes data and the control signal comprises the data (col. 10, lines 24-48).

Regarding claim 51: Hahn et al. discloses the communication circuitry is configured to output the control signal comprising digital information (col. 4, lines 5-20).

Regarding claim 52: Hahn et al. discloses the communication circuitry is configured to extract digital data from the wireless signal and to output the control signal comprising the extracted digital data (col. 4, lines 5-20).

Regarding claim 53: Elberty et al. discloses an antenna (502) coupled with the communication circuitry and the control signal is configured to alter the impedance of the antenna to backscatter modulate a continuous wave signal received at the antenna (col. 9, lines 41-67; col. 10, lines 1-48).

Regarding claim 54: Elberty et al. discloses the communication circuitry is configured to output a wireless signal (122) (col. 4, lines 21-25; col. 5, lines 23-49; Fig. 5).

Regarding claim 55: Elberty et al. discloses the communication circuitry is configured to output a wireless signal having data therein according to the control signal (col. 4, lines 21-25; col. 5, lines 23-49; Fig. 5).

Regarding claim 56: Elberty et al. discloses the communication circuitry comprises a processor (516) configured to execute executable instructions to process the identifier (col. 10, lines 23-48).

Regarding claim 57: Hahn et al. discloses the communication circuitry is configured to process the identifier comprising digital information (col. 4, lines 5-20).

Regarding claim 58: Hahn et al. discloses the outputting comprises outputting the wireless signal including data, and further comprising extracting the data and the indicating being responsive to the extracted data (col. 4, lines 5-20).

Regarding claim 59: Hahn et al. discloses the outputting comprises outputting the wireless signal including digital data, and further comprising extracting the data and the indicating being responsive to the extracted digital data (col. 4, lines 5-20).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art references of Paleiov et al. (6,275,142), Causey (6,304,183), and Shober (5,952,922) are cited to show a variety of radio frequency identification devices.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication should be directed to Examiner Toan Pham at telephone number (703) 306-3038. The examiner can normally be reached on Monday-Friday, 7:00am-5:00pm.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703) 305-4717.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700, Mon-Fri, 8:30am-5:00pm.

Examiner: Toan Pham

Date: June 12, 2002